

JUN 27 2005

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COMMISSION  
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BEFORE THE FEDERAL ELECTION COMMISSION

2005 JUN 27 P 4: 32  
MUR 5488

**SENSITIVE**

In the Matter of )  
)  
Brad Smith for Congress and )  
James Bailey, in his official capacity as )  
Treasurer; and )  
Bradley Smith )

GENERAL COUNSEL'S REPORT # 2

I. ACTIONS RECOMMENDED

This Office recommends that the Commission accept the attached Conciliation Agreement that has been agreed to by Brad Smith for Congress and James Bailey, in his official capacity as Treasurer, and Bradley Smith ("Respondents") and signed by Bradley Smith. *See* Attachment 1.

II. BACKGROUND

On March 9, 2005, the Commission found reason to believe that Respondents violated 2 U.S.C. § 441a(f) by accepting excessive contributions via an improper claim to higher contribution limits under the millionaires' amendment. *See* MUR 5488 First General Counsel's Report. The Commission also authorized pre-probable cause conciliation and approved a proposed conciliation agreement.

III. DISCUSSION

PAGES 2 THRU 4 HAVE BEEN DELETED

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21 IV. RECOMMENDATIONS

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23 1. Accept the attached conciliation agreement;

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25 2. Close the file; and

26 3. Approve the appropriate letter(s).

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Lawrence H. Norton  
General Counsel

Rhonda J. Vosdingh  
Associate General Counsel  
for Enforcement

BY:



Mark Shonkwiler  
Assistant General Counsel



Audra L. Wassom  
Attorney

Date

6/27/05

Attachments

1. Conciliation Agreement

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